

EXHIBIT E

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF DELAWARE

3 * * *

4 WAYNE VAN SCOY :
5 vs. : C.A. NO. 05-108-KAJ
6 VAN SCOY DIAMOND MINE OF :
7 DELAWARE, INC., KURT VAN SCOY :
and DONNA VAN SCOY :

8 * * *

9 AUGUST 17, 2005

10 * * *

11 PORTIONS OF THIS TRANSCRIPT CONTAIN CONFIDENTIAL
12 INFORMATION

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14 Videotape deposition of WAYNE VAN SCOY,
15 taken pursuant to notice, was held at the law
16 offices of FOX, ROTHSCHILD, O'BRIEN & FRANKEL, LLP,
17 2000 Market Street, 10th Floor, Philadelphia,
18 Pennsylvania 19103-3291, beginning at 10:11 a.m.,
19 before McKinley Wise, a Registered Professional
20 Reporter and an approved Reporter of the United
21 States District Court.

22 ESQUIRE DEPOSITION SERVICES
23 1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
24 (215) 988-9191

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1 Q. Did you ever tell him that before
2 you owned the mark?

3 A. He was aware. I probably did during
4 the bankruptcy, how Rick and I have to take the
5 sign down and stuff. I didn't say, You had to
6 pay, because, you know, I can't make him pay for
7 it. I don't own it.

8 Q. How about when your father owned the
9 mark?

10 A. Did I? No. I don't -- not that I
11 recall.

12 Q. When did you first realize that Kurt
13 Van Scoy was running a jewelry store under the
14 name Van Scoy Diamond Mine --

15 A. Ninety --

16 Q. -- in Newark, Delaware?

17 A. '96 I saw the sign.

18 Q. You were there personally --

19 A. Yes.

20 Q. -- in 1996?

21 A. Yes.

22 Q. At the store?

23 A. Yes.

24 Q. And to your knowledge, did he

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1 continue to run that store after that?

2 A. '98, when I went back down or for
3 checkups possibly when I went down with my dad and
4 mom to get checked up, drove past, saw it. And
5 then for sure I was down there in '98 again
6 because of my father's surgeries.

7 Q. And you saw the store?

8 A. Yes.

9 Q. And you saw the sign?

10 A. Yes.

11 Q. And what did the sign say?

12 A. "Van Scoy's Diamond Mine." I
13 think -- from the road I don't know if it said "of
14 Delaware" on the edge of it. I don't know for
15 sure on that.

16 Q. And after that, did you visit the
17 store?

18 A. 2003. My mom.

19 Q. And after that?

20 A. No.

21 Q. So you have known that he has been
22 running a jewelry store under the mark Van Scoy
23 Diamond Mine since 1996?

24 A. '6, yes.